

2003 ANNUAL REPORT

Creating the Infrastructure For the New California Court System



JUDICIAL COUNCIL
OF CALIFORNIA

2003 Annual Report

CONTENTS

State of the Judiciary	1
2002 Year in Review	2
Utilization of Judicial Resources	17
Trends in Court Workload	22
California Judicial Branch	27
Mission and Goals	28
Judicial Council Committees and Task Forces	Inside back cover



Published by the
Judicial Council of California
Administrative Office of the Courts
Office of Communications
455 Golden Gate Avenue
San Francisco, CA 94102-3688
415-865-7740
California Courts Infoline: 800-900-5980

The Judicial Council's 2003 *Annual Report* summarizes the achievements of the California Judicial Branch as well as key trends in court workload and budget allocations for fiscal year 2002. The online version of the report contains numerous links to the California Courts Web site (www.courtinfo.ca.gov) for more detailed information. A companion publication, the *Court Statistics Report*, provides detailed 10-year statistical caseload and trend data on a wide variety of court business as well as caseload data for each county.

Printed on recycled and recyclable paper.
© 2003 Administrative Office of the Courts

JUDICIAL COUNCIL OF CALIFORNIA

CHAIR

Hon. Ronald M. George
Chief Justice of California

SUPREME COURT

Hon. Marvin R. Baxter
Associate Justice of the Supreme Court

COURTS OF APPEAL

Hon. Norman L. Epstein
*Associate Justice of the Court of Appeal
Second Appellate District, Division Four*

Hon. Richard D. Huffman
*Associate Justice of the Court of Appeal
Fourth Appellate District, Division One*

Hon. Laurence Donald Kay
*Presiding Justice of the Court of Appeal
First Appellate District, Division Four*

TRIAL COURTS

Hon. Gail A. Andler
*Judge of the Superior Court of California,
County of Orange*

Hon. Aviva K. Bobb
*Judge of the Superior Court of California,
County of Los Angeles*

Hon. Eric L. Du Temple
*Presiding Judge of the Superior Court of California,
County of Tuolumne*

Hon. William C. Harrison
*Judge of the Superior Court of California,
County of Solano*

Hon. Brad R. Hill
*Judge of the Superior Court of California,
County of Fresno*

Hon. Jack Komar
*Judge of the Superior Court of California,
County of Santa Clara*

Hon. William A. MacLaughlin
*Assistant Presiding Judge of the Superior Court of
California, County of Los Angeles*

Hon. Heather D. Morse
*Judge of the Superior Court of California,
County of Santa Cruz*

Hon. Ronald M. Sabraw
*Judge of the Superior Court of California,
County of Alameda*

Hon. Barbara Ann Zúñiga
*Judge of the Superior Court of California,
County of Contra Costa*

LEGISLATURE

Hon. Martha M. Escutia
Member of the Senate

Hon. Ellen M. Corbett
Member of the Assembly

STATE BAR

Mr. Rex A. Heeseaman
Attorney at Law

Mr. David J. Pasternak
Attorney at Law

Ms. Ann Miller Ravel
County Counsel

Mr. Thomas Joseph Warwick, Jr.
Attorney at Law

ADVISORY MEMBERS

Hon. Frederick Paul Horn
*Presiding Judge of the Superior Court of California,
County of Orange*

Ms. Tressa S. Kentner
*Executive Officer, Superior Court of California,
County of San Bernardino*

Ms. Susan Null
*Executive Officer, Superior Court of California,
County of Shasta*

Hon. Gregory C. O'Brien, Jr.
*Judge of the Superior Court of California,
County of Los Angeles*

Mr. Alan Slater
*Executive Officer, Superior Court of California,
County of Orange*

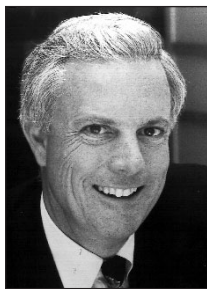
Hon. Patricia H. Wong
*Commissioner, Superior Court of California,
County of Sacramento*

SECRETARY

Mr. William C. Vickrey
Administrative Director of the Courts



Ronald M. George



William C. Vickrey

MESSAGE FROM THE CHIEF JUSTICE AND ADMINISTRATIVE DIRECTOR

STATE OF THE JUDICIARY

Dear Friend of the Courts:

At the close of a tumultuous yet highly productive year, we are pleased to report continuing progress in realizing the Judicial Council's goals for the state's courts. Ensuring fairness and access to justice for all Californians remains the measure of our success.

Of special note in 2002, the judicial branch was granted the responsibility for trial court facilities. The Trial Court Facilities Act was the final step in the restructuring of our courts into an integrated statewide judicial branch, strengthening our ability to manage our resources prudently and in the best interests of the public. This act, combined with the implementation of a statewide funding system and trial court unification, leaves the judicial branch strategically positioned to meet the future, and to best handle the very difficult challenges now confronting our branch and our state. Despite the fiscal downturn, courts have continued to implement an assortment of new initiatives to improve jury service, expand court interpreter services, and enhance the use of technology to expand public access, and to improve services for self-represented litigants, particularly in family court. Our progress and our plans have been slowed as we grapple with unprecedented and uncertain budget constraints.

California's judicial branch has responded cooperatively and effectively to the challenges facing our state. We have reduced budget requests and absorbed reductions to date, while avoiding serious compromises to public access and to our core duties. California's courts understand that further action on our part will be required—sacrifice as well as dedication. We continue to strive to accommodate calls for greater reductions, ever mindful of our obligation to ensure that we must fulfill our constitutional responsibilities.

The structural changes of recent years will be put to the test over the next few years, but without question they have placed us in a far better position to cope with today's challenges. We remain committed to using all the tools and resources available to us and confident that we shall be able to build on the firm foundation we have created.

In partnership with our sister branches of government, we have taken remarkable strides toward improving court access, modernizing court administration, increasing accountability, and preserving our branch's independence. Our courts, with the assistance of remarkable individuals at every level, have confronted and overcome grave challenges in the past. We are confident that, working together, we shall continue to succeed in administering justice fairly, accessibly, and independently for all the people of California, whom we are privileged to serve.

Ronald M. George
Chief Justice of California and
Chair of the Judicial Council

William C. Vickrey
Administrative Director of the Courts and
Secretary of the Judicial Council

2002 YEAR IN REVIEW

In 2002, California's court system consolidated gains from two historic reforms of the previous decade—the state's assumption of trial court funding and legislation unifying the trial courts in each county. The year 2002 was the first in which courts could proceed as part of an integrated branch. A statewide infrastructure, including legal and human resources services, branch-managed facilities, and three Administrative Office of the Courts' regional offices, helps to enable the judicial branch to continue to provide high-quality services to the public despite the effects of the state's severe economic downturn.

The year produced bold legislation—most notably the Trial Court Facilities Act of 2002—that has brought the judicial branch new opportunities

to improve court infrastructure and administration, provide more rational management of vital branch resources, and ultimately, more easily fulfill its constitutional obligations to the public by ensuring a uniformly accessible and well-run court system.

During the year, these goals were advanced by the judicial branch assuming new responsibility for implementing the transfer of court employees from the county to court supervision and by reclassification of court interpreters as court employees. Also significant was Assembly Bill 2321, which establishes the Judicial Council as the courts' governing body for the purposes of the Tort Claims Act. The bill sets forth a procedure for the council to use in responding to tort claims arising out of the activities of a judicial



A high school student addresses the Supreme Court at a special public educational session in Fresno in October.

branch entity or judge and clarifies the procedure for claimants to follow in filing such claims.

In addition to new programs, the year saw the continued expansion of alternatives to traditional court proceedings to meet the needs of particular litigants. These include domestic violence courts, peer courts for teenagers, juvenile mental health courts, and drug courts. Collaborations during the year among members of the bench, bar, and law enforcement resulted in a rapid and effective implementation of Proposition 36, which mandated a new approach to handling nonviolent drug offenses. To meet the needs of the increasing number of litigants without counsel, the Judicial Council pursues programs that provide more meaningful access to the courts. In response to technological advances and public interest, the council developed policies to allow access to court records on the Internet, and it continues to examine issues involving the scope of such access and the sometimes competing interests of privacy and public access.

LOOKING AHEAD

The judicial branch must now move forward in an uncertain funding environment, recognizing that it must address current and future budget reductions without compromising its constitutional obligations. To meet these responsibilities and help courts accommodate the limits of their resources without substantially affecting the rights of the public, the branch is reviewing a variety of options, such as further organizational restructuring and raising of court fees. Moreover,

the Judicial Council and the Administrative Office of the Courts (AOC) have made significant strides to improve the branch's fiscal accountability through the development of systems that ensure better management of branchwide resources. These measures are described in the next section of this report.

Despite the formidable challenges presented by the unprecedented state budget deficit, efforts to improve court administration by working in collaboration with all members of the judicial branch, other branch agencies and justice system partners, the community, and the legislative and executive branches will continue to dominate the courts' priorities in 2003 and the years ahead. Milestones reached in 2002 are presented below.

Improved Trial Court Infrastructure

FACILITIES

The Trial Court Facilities Act of 2002 ranks among the most significant court reforms in state history. By shifting governance of California's more than 450 court facilities from the counties to the judicial branch over the next four years, the act furthers the transformation of trial courts into a fully integrated, state-operated system overseen by the Judicial Council. The act sets forth procedures and conditions for the transitional period and beyond. It provides for a newly created Courthouse Construction Fund to be used for the acquisition, rehabilitation, and construction of court facilities.

HOW CALIFORNIA IS REBUILDING ITS JUDICIAL BRANCH INFRASTRUCTURE

With the goals of bringing greater efficiency to court operations and improving public access to court services, four major reforms have enabled the creation of a new and stronger infrastructure for the state's judicial branch.

- By consolidating all funding decisions at the state level, the Lockyer-Isenberg Trial Court Funding Act of 1997 did away with the bifurcated system under which courts were subjected to two separate budget processes—at both the county and the state level.
- In 1998 California voters passed a constitutional amendment that provided for voluntary unification of the superior and municipal courts in each county into a single countywide trial court system.
- In 2001, the Trial Court Employment Protection and Governance Act mandated the transfer of 21,000 court employees from the counties to the courts.
- The Trial Court Facilities Act of 2002 (Sen. Bill 1732) initiated a shift in governance of more than 450 court facilities from the counties to the state over a four-year period.

A study of California's court facilities by a statewide task force created by the Legislature reported last year that more than 90 percent of court facilities require significant repair, maintenance, or renovation.

"What message is conveyed about the value we place on justice when the structures in which it is rendered lack basic amenities? Our judicial system does not need, want, or expect palaces. But it does deserve facilities that are secure, well maintained, and adequate to serve the public's needs."

—Chief Justice Ronald M. George

JUDGES AND COURT EMPLOYEES

LEGAL SERVICES FOR THE JUDICIAL BRANCH The Judicial Council adopted new rules of court to carry out the council's responsibility, under a new statute, to act on claims against a judicial branch entity or a judge. The rules set out the specific procedures by which claims affecting the council, the AOC, the courts, and the judicial officers and employees will be handled. The rules describe the responsibilities of the Office of the General Counsel (OGC) and the trial courts regarding claims and lawsuits, and clarify the council's obligation to defend and indemnify the justices and employees of the Courts of Appeal and the Supreme Court, as well as judges and employees of the trial courts.

HR PARTNERSHIPS With the enactment of the Trial Court Employment Protection and Governance Act, effective January 1, 2001, courts became independent employers. Few courts have the infrastructure needed to take over this new role from their counties, a role that includes classification and compensation

systems, payroll-processing systems, benefits plans, workers' compensation insurance, applicant testing programs, and labor negotiation expertise. To assist the courts during their transition to independent employers, the AOC is working closely with courts across the state to design, develop, and implement several statewide initiatives. Following are highlights of 2002 achievements.

- ***Trial Court Classification and Compensation Study/Program*** The study, designed to enhance and update the Uniform Model Classification Plan and conduct a statewide classification and compensation review, established market-based salary ranges and provided management tools to help establish consistency across the courts in classification and associated salary structures.
- ***Trial Court Benefits Study/Program*** The outcome of this study has been a comprehensive and competitive health and benefits program alternative for trial court employees who could be legally excluded from county benefit programs. On January 1, 2003, four courts adopted the Trial Court Benefits Program. More courts are expected to follow.
- ***Trial Court Workers' Compensation Study/Program*** This study produced a self-insured workers' compensation program administered by a third party. The program includes performance standards for vendors. Courts are being encouraged to move to this program on July 1, 2003, with full participation by July 1, 2004.

■ **Trial Court HRMIS Study** A comprehensive study of human resources needs in the trial courts is under way. It will assist the judicial branch in determining the best HR service-delivery model for the courts. Implementation of an efficient statewide judicial branch human resources delivery model supported by a human resources management information system (HRMIS) will assist courts with the cost of processing each HR transaction.

■ **Trial Court Master Payroll Services Contract** To support those courts that no longer receive payroll services from their counties, a master agreement with Automatic Data Processing, Inc., for interim payroll services was negotiated. The master agreement provides excellent service, consistent and fair pricing, and a choice of options and products to meet the individual needs of each court.

■ **Trial Court Fast Track Training** Fast track training was implemented to provide timely and relevant training and information to human resources professionals and those performing HR duties throughout the trial courts. During 2002, ten courses were designed, developed, and delivered in 33 classes to approximately 761 trial court employees.

■ **Trial Court Interpreters Recruitment** To ensure access to justice, the courts need qualified court interpreters. In 2002, a statewide recruitment campaign called "One Law, Many Languages" used radio, television, and print media to increase the number and availability

of qualified interpreters in the trial courts. As a result, during 2002, there was a tenfold increase in visits to the interpreter portion of the judicial branch Web site, a fourfold increase (over 2001) in telephone inquiries, and a 20 percent increase in the number of candidates testing for interpreter qualification.


■ **Court Interpreters Become Employees** Starting in 2003, the courts will extend offers of employment to qualified interpreters under the Trial Court Interpreter Employment and Labor Relations Act. Certified and registered interpreters who have previously worked for the courts as independent contractors will be eligible for employment as court interpreters pro tempore.

SUBORDINATE JUDICIAL OFFICERS

At its final business meeting in 2002, the Judicial Council reaffirmed its support for proposed legislation that would permit the conversion of subordinate judicial officer (SJO) positions to judgeships in state trial courts. The goal is to help courts achieve a balance between judges and SJOs and to allow them to assign more judges, rather than SJOs, to perform the work of superior court judges.

JUDICIAL SERVICE ADVISORY COMMITTEE


This new committee was established in 2002 to develop and make rec-



One Law. Many Languages.

SERVE JUSTICE, SERVE YOUR COMMUNITY,
BECOME A COURT INTERPRETER.

LEARN MORE ABOUT HOW TO BECOME
A CALIFORNIA COURT-CERTIFIED INTERPRETER.
CALL TOLL-FREE 1-866-340-0689
OR VISIT THE CALIFORNIA COURTS WEB SITE AT
WWW.COURTSINFO.CA.GOV/PROGRAMS/COURTINTERPRETERS



"One Law, Many Languages,"
a statewide court interpreter
recruitment campaign,
dramatically increased
inquiries about opportunities
in the courts.

ommendations for improving the administration of justice in the area of judicial retention, which includes benefits, compensation, and retirement; “quality of judicial life” resources and programs; and mentorship programs.

NEW POLICY FOR ASSIGNED JUDGES

California retired judges who wish to continue serving in the Assigned Judges Program were asked to reapply to the program and certify their compliance with a new policy that prohibits assigned judges from engaging in privately compensated dispute resolution activities. Retired judges were required to make their election to stay in the program by January 31, 2003, for calendar year 2003. The policy is designed to avoid any public perception of a potential conflict of interest created by a judge sitting on assignment in the public courts and concurrently providing private services to litigants for a fee.

EDUCATION AND TRAINING Training opportunities for court employees at all levels have been expanded in both the number and subject matter of new programs, which also include both mandatory and voluntary courses. Educational opportunities and communications also were extended to an increased number of the state’s 21,000 court employees by creation of AOC-TV, launched with a series of regular training, new employee orientation, and news programs—many of them live and interactive. They are broadcast from AOC headquarters to 183 downlink sites throughout the state.

NEW REGIONAL OFFICES The AOC opened two new regional offices, one based



On February 14, the Center for Judicial Education and Research presented “Identifying Recusal Issues,” its first educational satellite broadcast to the appellate courts. The broadcast panel included (left to right) Justice Thomas E. Hollenhorst, Fourth Appellate District; Justice Rebecca A. Wiseman, Fifth Appellate District (moderator); Frederick Ohlrich, Clerk of the Supreme Court; and Justice Judith Lynnette Haller, Fourth Appellate District.

in Sacramento that provides expanded AOC services to courts in the northern and central regions of the state and another in San Francisco that serves the Bay Area and northern coastal regions. The first of these three regional offices was established in Burbank in 2001.

Progress in Court Technology

PUBLIC ACCESS TO RECORDS The Judicial Council approved statewide rules of court that expand public access to electronic trial court records, effective July 1, 2002. Similar to federal court policies, the new rules permit broad electronic access to most civil records while restricting

remote Internet access in criminal matters and other cases that may contain sensitive personal information.

TRIAL COURT E-FILED Newly adopted statewide rules of court will standardize electronic filing and service of documents in state trial courts. Electronic filing (e-filing) is not mandatory at this time. The rules recognize that not all courts currently have the resources to move to a paperless environment. Judicial Council initiatives to upgrade local technology infrastructure are under way. The new rules, effective January 1, 2003, allow payment of filing fees online with credit cards and also authorize the serving of a notice by electronic means.

COURTS OF APPEAL E-FILED A new pilot program in the Court of Appeal for the Second Appellate District is evaluating the usefulness of e-filing in civil appeals. The court invited counsel to voluntarily file electronic records and electronic briefs, in addition to the required paper copies of such documents.

CALIFORNIA CERTIFICATION Existing case management systems used by the trial courts are now being certified to ensure that they meet court requirements. Over 15 courts now are moving to the California-certified versions of these systems. In addition, the 10 counties in the state’s Southern Region are working with the AOC to develop a California-specific system capable of meeting the needs of the largest superior courts in the state and yet available for use in any other size court.

TRAFFIC LINKS California drivers who get traffic citations now can pay their tickets online by clicking on the state’s

My *California* site, a joint effort by the state's judicial and executive branches. The site provides links to the five state superior courts that currently permit citations to be processed online: Alameda, Los Angeles, Orange, San Bernardino, and Ventura Counties. These counties account for almost half of California's 21 million drivers.

"We are pleased that the judicial and executive branches of government have joined forces to give California drivers the ability to take care of their traffic citations from any personal computer with Internet access," said Justice Joanne C. Parrilli, chair of the Court Technology Advisory Committee, the committee responsible for the online payment initiative.

Other Advances in Case Processing

NEW RULES The Judicial Council revised the rules of court governing civil case management, effective July 1, 2002, providing an integrated, up-to-date set of rules designed to promote best practices and simplify court procedures. A mandatory case management statement also was adopted to provide consistency in required forms. Finally, a comprehensive updating, simplification, and reorganization of all the rules of court is under way.

COURT REPORTING The new 17-member statewide Reporting of the Record Task Force is working to address important issues concerning the creation of the verbatim record in state trial courts. Issues for study include standard-

ization of court reporting systems, uniformity of transcripts, the maintenance of and access to transcripts via electronic or paper media, and the current shortage of court reporters.

Enhanced Quality of Justice

JURY REFORMS

ONE DAY OR ONE TRIAL Over the last several years, California courts have been implementing several fundamental jury reforms, including one-day or one-trial jury service. Created by a Judicial Council rule of court in 1999, under which jurors appear for one day at the court and return only if they are selected to serve on a jury, the system became statewide (with the exception of the Superior Court of Alpine County) when the Superior Court of Los Angeles County put it into effect in 2002.

MODEL JURY SUMMONS The AOC refined a model juror summons form aimed at improving juror compliance rates. Currently, the state's 58 superior courts use several different forms with varying levels of clarity and effectiveness. In 2003, the new model form will be tested in pilot counties and distributed for comment before becoming final.

JURY INSTRUCTIONS Another jury reform under way is the development of civil and criminal jury instructions written in language that is more user-friendly than the terminology that is used in jury instructions now. A task force sought

**California Courts Juror
Information Web site:**
www.courtinfo.ca.gov/jury

input from the bench and bar and is now finalizing the simplified civil jury instructions and verdict forms with publication scheduled for the fall of 2003. Draft criminal instructions will also be distributed for public comment that year.

JUROR EDUCATION The state's first official juror orientation video, *Ideals Made Real: The Jury*, along with informational brochures, debuted in all California jury assembly rooms during Juror Appreciation Week (May 13–18, 2002).

ETHICS STANDARDS FOR ARBITRATORS

At the direction of the Legislature, the council in 2002 adopted ethics standards for arbitrators in contractual disputes. These comprehensive standards address concerns about the fairness of private dispute resolution processes and were developed with the participation of experts on arbitrator ethics drawn from every facet of the legal and arbitration communities. In November, a federal court dismissed a challenge to these ethics standards filed by the New York Stock Exchange and the National Association of Securities Dealers' Dispute Resolution Corporation, thereby upholding a request by attorneys for the Judicial Council. The AOC will continue to work with all parties to ensure the standards are sound and achieve legislative objectives.

EQUAL ACCESS

Through its Equal Access Program, the Judicial Council expanded the number of court-based self-help centers by establishing five model self-help centers and



The California Courts self-help Web site has over 1,000 pages of legal information and receives over 2 million hits per month.

eight partnership programs with legal services agencies, and by providing seed money for courts to implement local action plans for serving self-represented litigants.

The AOC also developed a resource library for courts to share self-help materials and completed a “plain language” revision of the California Courts Online Self-Help Center at www.courtinfo.ca.gov/selfhelp/.

In addition, the AOC is working to improve customer service in the trial courts by developing broadcast training and materials for court clerks on the difference between providing legal information and giving legal advice.

STANDARDS FOR DEATH PENALTY COUNSEL For the first time in California, the Judicial Council adopted minimum standards as a rule of court to govern the trial courts' appointment of counsel for individuals facing capital charges.

Legislation

The Judicial Council's 2002 legislative package was carefully crafted to seek administrative improvements that were important yet economical. Among the key measures that succeeded, in addition to those already mentioned elsewhere in this report, are:

■ **COURT SECURITY** Senate Bill 1396 (Dunn) requires each of California's 58 trial courts to prepare and implement a court security plan, and requires each sheriff or marshal to prepare and implement a law enforcement security plan. Co-sponsored with the State Sheriffs Association, the bill clarifies allowable and unallowable state costs for court security and requires the Judicial Council to adopt a rule establishing a working group on court security.

■ **JUDGES' RETIREMENT** Assembly Bill 2879 (Strom-Martin) makes improvements to judges' retirement systems and appropriately conforms assigned judges' compensation, consistent with the Judicial Council's commitment to improve the quality of judicial service.

■ **COURT OPERATIONS** Assembly Bill 3028 (Assembly Committee on Judiciary) includes numerous substantive and technical

COURT NEWS LEGISLATIVE SUMMARY

This annual publication abstracts the more than 150 bills passed during the most recent legislative session that affect the courts or the legal community. It includes brief descriptions of the measures and explains who each bill is most likely to impact. www.courtinfo.ca.gov/courtnews/legsumdec02.pdf

changes pertaining to court operations. Among other provisions, this bill will allow courts to hold sessions in other counties with the consent of the parties involved; authorize the Judicial Council to directly pay costs incurred by the trial courts for trial court programs, contract costs, or legal and financial services; and provide presiding judges in small courts the same 2 percent pay differential that larger court presiding judges receive during their term.

■ **WORKERS' COMPENSATION** Senate Bill 2011 (Burton) allows the courts to self-insure, like other state agencies, and establishes a Judicial Branch Workers' Compensation Fund to pay claims.

■ **JURY WAIVER AND CIVIL PROCEDURE** Assembly Bill 3027 (Assembly Committee on Judiciary) requires all parties demanding a jury trial to deposit advance jury fees at the same time; conforms service of opposition and reply papers in summary judgment proceedings; and makes clarifying, procedural changes related to small claims, local rules, administration of oaths, and intracounty venues.



Chief Justice Ronald M. George looks on as Governor Gray Davis signs Senate Bill 1732 (Escutia), shifting governance of California's court facilities from the counties to the state, effective January 1, 2003.

Children, Families, and the Courts

- **Rules** The Judicial Council approved more than 125 new and amended rules of court, forms, and standards of judicial administration relating to family and juvenile law. Among them are new “plain language” forms for domestic violence and adoption proceedings that will be easier for litigants to use. The domestic violence forms have been translated into Spanish, Chinese, Korean, and Vietnamese.
- **Unified Family Courts** The council authorized grants totaling approximately \$1.3 million from the Judicial Administration Efficiency and Modernization Fund, which were awarded to the superior courts in 31 counties to assist them in developing action plans for unifying or coordinating family, juvenile, and related court proceedings. Goals are to develop unified family court systems that are more efficient and effective in addressing the needs of the public; to ensure more fully informed decision making and improved delivery of services to families and children; and to reduce the risk of conflicting orders and unnecessary court appearances.
- **Domestic Violence** The council authorized grants totaling \$1.5 million to provide interpreters for indigent litigants in family law and related cases where domestic violence restraining orders have been sought. In fiscal year 2001–2002, twenty-five courts sought

and received funding. The funds were used to provide interpreters and to pay for interpreter coordinator services. The council also received a grant to launch a new Violence Against Women Education Project to improve and expand judicial branch education about domestic violence and sexual

assault cases, enhance local court coordination and communication in cases involving violence against women, and supplement other local and regional projects to include an enhanced focus on issues of violence against women.

- **Juvenile Court Improvements** To improve the quality of advocacy for children in dependency proceedings, the AOC administered grant funding to 39 Court Appointed Special Advocates (CASA) programs in 40 counties, conducted Peer Assessment and Compliance Review (PACR) site visits, and provided follow-up technical assistance as needed. Program staff also launched a CASA/attorney partnership pilot project to study the effect of closer collaboration between children’s attorneys and CASA volunteers on the quality of children’s experiences in the juvenile courts statewide.



Children adopted during the Superior Court of Sacramento County's Adoption Saturday program made tiles of their handprints that are on display in the courthouse.

- Through its Judicial Review and Technical Assistance (JRTA) Program, the council sought to ensure compliance with and continued funding under title IV-E by sending expert juvenile court attorneys to each county to conduct a courtesy review of court files and to report to the presiding judge of the juvenile court on data related to judicial findings and orders required by title IV-E. JRTA attorneys also conducted title IV-E compliance workshops tailored to meet the individualized needs of judicial officers, clerks, attorneys, social workers, and probation officers in each county.

California Supreme Court

PRACTICE OF LAW The Supreme Court created the Multijurisdictional Practice Implementation Committee to draft specific rules and procedures that will modify current restrictions on the practice of law in California by out-of-state attorneys who are not members of the California State Bar. Recommendations to the court are expected by June 2003.

ATTORNEY DISCIPLINE At the request of the California Supreme Court, the American Bar Association Standing Committee on Professional Discipline reported on the operation, scope, and procedures of California's attorney discipline system. Its report is being reviewed by a court-appointed committee that will make recommendations to the Supreme Court.

REDEDICATION

Sacramento's historic Library and Courts Building and the Los Angeles County Superior Court's main civil courthouse were officially renamed in honor of the late Justice Stanley Mosk, whose many contributions to the law during his 37 years on the court earned him national recognition and esteem.

CODE OF JUDICIAL ETHICS During the year, the court considered a number of requests to review various aspects of the California Code of Judicial Ethics—canons that govern the conduct of California state judges. Under a constitutional amendment adopted in 1995, the Supreme Court has the responsibility to adopt and amend the code. At the suggestion of several organizations and persons, the court, in some instances with the assistance of its Advisory Committee on Judicial Ethics, has been reviewing, among others, various provisions concerning restrictions of speech during judicial elections, judicial membership in youth organizations that may discriminate, and the practice of law by part-time subordinate judicial officers.

RULE CHANGES The Judicial Council's Appellate Rules Project is in the process of revising the entire set of appellate rules for the first time in six decades. Revised rules that govern the filing of a civil appeal and preparation of the appellate record and briefs took effect on January 1, 2002, and the next installment—which addresses hearings and decisions in the Courts of Appeal and the Supreme Court—will take effect January 1, 2003.

PUBLIC EDUCATION The Supreme Court conducted the largest-ever court public educational program in October 2002 when it held an oral argument ses-

sion in Fresno that was televised on local public broadcasting and cable stations and to almost 200 high schools. Students watched the proceedings after having been given a set of comprehensive written materials that explained the court processes and gave background information on the individual cases being argued. Volunteer lawyers and judges were on hand in the classrooms to lead discussions and to make the session a unique and valuable learning experience.

IMPROVED ACCESS The court's case-information Web site now enables litigants, attorneys, and the public to access up-to-date information about pending cases quickly at <http://appellatecases.courtinfo.ca.gov>. Users of the new system may request e-mail notification of updated case activity. While a case-information Web site has been in operation for the state's six Court of Appeal districts for two years, the Supreme Court's former computer system was not Internet compatible. With a new Supreme Court case management system in place, all of California's appellate courts now offer online case information.

Since 1996, the Supreme Court has provided online access to its written opinions at the time of filing (www.courtinfo.ca.gov/courts/supreme). The court also provides same-day online access to the results of its weekly petition conferences, during each of which the court considers up to 200 requests to review cases.

COUNSEL FOR CAPITAL CASES During 2002, the court continued to review its operating procedures, including those

affecting the handling of death penalty appeals and related habeas corpus matters. The court is working with the Habeas Corpus Resource Center, the California Appellate Project, and the State Public Defender and has adopted numerous changes, including improved training opportunities, enhanced payment schedules, and internal restructuring, to ensure more consistent and informative actions by the court in response to motions in these matters. These and other measures are designed to alleviate the shortage of counsel qualified to represent defendants convicted of capital offenses. The court also hired the first members of a new capital case central staff, who are being trained to assist the court in handling these cases more effectively. Detailed information about the application process is located at www.courtinfo.ca.gov/courts/supreme/dpenalty.htm. Application forms can be found at www.courtinfo.ca.gov/courts/supreme/application.htm.

California Courts of Appeal

APPELLATE RULE CHANGES Next on the agenda of the Appellate Rules Project (see "California Supreme Court") are rules for criminal and juvenile appeals. The council has adopted some aspects of rules governing appellate court practice and procedure to clarify their meaning. It also amended rules on the transfer of cases from the appellate divisions of superior courts to the Courts of Appeal.

Awards and Honors

CHIEF JUSTICE RECEIVES 2002 WILLIAM H. REHNQUIST AWARD

The annual National Center for State Courts (NCSC) award to a state court judge who exemplifies the highest level of judicial excellence, integrity, fairness, and professional ethics was presented to Chief Justice Ronald M. George. In naming Chief Justice George the winner of its 2002 William H. Rehnquist Award for Judicial Excellence, the NCSC noted that during his seven-year tenure, "Chief Justice George has overseen some of the most significant initiatives and reforms in the history of the California courts."

WILLIAM C. VICKREY RECOGNIZED

The California State Association of Counties presented an award to the Administrative Director of the Courts in recognition of his successes in a wide range of trial court reforms.

AOC EDUCATION DIRECTOR WINS NATIONAL AWARD

Karen M. Thorson, Director of the AOC's Education Division, received the National Center for State Courts' 2002 Warren E. Burger Award for her significant contributions to court administration.

Awards and Honors *continued*

DISTINGUISHED SERVICE AWARDS

Presented each year by the Judicial Council to persons who demonstrate extraordinary leadership and make significant contributions to the administration of justice in California, the 2002 winners are listed below.

- **JURIST OF THE YEAR** Presiding Judge James A. Bascue, of the Superior Court of Los Angeles County, and Judge Lois Haight, of the Superior Court of Contra Costa County
- **JUDICIAL ADMINISTRATION AWARD** Ms. Tamara Lynn Beard, Executive Officer, Superior Court of Fresno County, and Mr. Ray LeBov, Director, Office of Governmental Affairs, Administrative Office of the Courts
- **BERNARD E. WITKIN AMICUS CURIAE AWARD** Professor Jay Folberg, University of San Francisco School of Law
- **BENJAMIN ARANDA III ACCESS TO JUSTICE AWARD** Judge Ken M. Kawaichi, of the Superior Court of Alameda County

2002 KLEPS AWARDS

The Judicial Council selected the following 10 court programs as winners of the Ralph M. Kleps Award for Improvement in the Administration of the Courts.

- **SUPERIOR COURT OF AMADOR COUNTY** After becoming the employer of its own staff, the court, without additional funding, successfully absorbed all fiscal and administrative functions from the county in a rigorous one-year project.
- **SUPERIOR COURT OF SAN BENITO COUNTY** Developed a project to reduce unplanned teen pregnancies and births where the children of teens become dependent on family members or public assistance.
- **SUPERIOR COURT OF NEVADA COUNTY** Established a Public Law Center to provide comprehensive resources to the growing number of self-represented individuals and to improve court access for all members of the community.
- **SUPERIOR COURT OF YOLO COUNTY** Created a collaborative effort between the superior court and the Probation Department that has resulted in an effective and cost-efficient response to reducing juvenile violence.
- **SUPERIOR COURT OF SAN JOAQUIN COUNTY** Developed a cultural awareness video and related materials to educate both the bench and court staff about the Cambodian, Hmong, Laotian, and Vietnamese cultures.
- **SUPERIOR COURT OF SONOMA COUNTY** Installed computer software that allows automatic electronic transmission of restraining order information from the superior court case management system to the Department of Justice's California Law Enforcement Telecommunications System (CLETS) automated computer system.
- **SUPERIOR COURT OF ORANGE COUNTY** Installed self-service, high-speed kiosks at all seven of the court's justice center locations.
- **SUPERIOR COURT OF RIVERSIDE COUNTY** Created a Court Certificate Program to enhance court staff's skills and performance through continuing professional education and development.
- **SUPERIOR COURT OF SAN DIEGO COUNTY** Developed a project in collaboration with a local teacher to educate youth about the legal system, the courts, and the administration of justice.
- **COURT OF APPEAL, FIRST APPELLATE DISTRICT** Launched a mediation program that resolves litigation early in the appellate process, before parties incur the cost of preparing briefs.

ETHICS RULES FOR MEDIATORS In 2002, the Court of Appeal, First Appellate District (San Francisco) became the first California court to implement new ethics rules for mediators in court-connected mediation programs for civil cases. These rules, which establish ethics standards for mediators in court-connected programs, are part of the council's program to create comprehensive ethics standards for court-connected alternative dispute resolution neutrals in California. Although the rules were adopted by the council for superior courts, effective January 1, 2003, the First Appellate District found them equally applicable to its appellate mediation program. The court also adopted a procedure for addressing complaints involving mediators.

The court's three-year-old mediation program has reduced costs, time to resolution, and the adversary culture of litigation, while increasing litigant satisfaction with the judicial process and the number of dispositions without judicial intervention. More than half of the appeals submitted to mediation have been resolved through this process. This is due to the efforts of approximately 200 mediators recruited and trained by the court. The training included an extensive discussion of ethics issues.

PUBLIC EDUCATION Many Courts of Appeal are now holding sessions before new groups and in new venues as part of outreach programs that enhance public understanding of the nature and importance of the appellate courts' work. For example, the Fourth Appellate District for the first time heard oral arguments before 300 San Diego County high school stu-

dents. The First Appellate District heard oral arguments at Golden Gate University School of Law. Traveling to other locations provides greater access to our judicial system for plaintiffs, defendants, and attorneys living in the county. In a related effort, the Court of Appeal for the Second Appellate District, Division Six (Ventura) hosted its annual Moot Court Honors Competition for law students of Ventura College of Law, Santa Barbara College of Law, and San Fernando Valley College of Law of the University of West Los Angeles.

Key Workshops, Meetings, Forums

In addition to the AOC Education Division's numerous annual training forums for judges and court employees—opportunities greatly expanded by distance learning technology and Web-based training—other major workshops sponsored by the Judicial Council in 2002 include:

CALIFORNIA JUDICIAL ADMINISTRATION CONFERENCE (January) provides an annual forum for dialogue among the judicial branch's executive-level leaders to enable them to create a vision for the future of the court system.

FAMILY COURT SERVICES STATE-WIDE EDUCATIONAL INSTITUTE (March) provided state-of-the-art training designed specifically for professionals serving children and families in the courts.

FAMILY VIOLENCE AND THE COURTS CONFERENCE (May) provided a forum for judicial officers, domestic violence

victim advocates, prosecutors, defense attorneys, probation officers, social workers, court staff, batterer program staff, law enforcement officers, and other members of county family violence coordinating councils to learn about model programs and new legislation and to plan activities for the future.

JUVENILE DELINQUENCY AND THE COURTS CONFERENCE (August) focused on sharing the successes of juvenile justice programs and also the perspective of youths who participated in the juvenile justice system.

UNIFIED COURTS FOR FAMILIES SYMPOSIUM (September) provided an opportunity for teams of judges, administrators, service providers, and other professionals from 31 counties to develop

Maintaining the effectiveness of judicial branch employees through continuing education and professional development is one of the Judicial Council's primary goals.

strategies for coordination and unification of court proceedings involving children and families and to share information and ideas about how to develop resources and overcome obstacles.

SIXTH ANNUAL AB 1058-CHILD SUPPORT TRAINING CONFERENCE (September) provided training for title IV-D child support commissioners, family law



AOC Human Resources staff don hard hats to get in the spirit. The conference theme was "HR—Under Construction."

facilitators, and administrative, accounting, and clerical staff who work in the AB 1058 Program area.

SECOND ANNUAL JUDICIAL BRANCH HUMAN RESOURCES CONFERENCE (October) brings together court HR professionals and court executive officers to collaborate in building a new HR infrastructure for the branch.

BEYOND THE BENCH XIV (December) convenes annually for judicial officers, court administrators, and child welfare professionals from each California county to learn about the latest research and best practices with regard to improving proceedings involving child abuse and neglect.

2002 Reports to the Legislature

- “A Quick Reference Guide to the California Offices of the Family Law Facilitator” (December)—www.courtinfo.ca.gov/selfhelp/lowcost/documents/flfquickref.pdf
- *Report to the Legislature: California’s Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents—The First Five Years* (March)—www.courtinfo.ca.gov/programs/cfcc/pdffiles/a2v2002leg.pdf
- *Evaluation Report on the Drug Court Partnership Program*
- *Report to the Joint Legislative Budget Committee on the Effectiveness of the Temporary Law Clerks Program in Reducing the Appellate Workload Backlog* (last of two mandated reports)
- *Report to the Joint Legislative Budget Committee on the Effectiveness of the Temporary Law Clerks Program in Reducing the Appellate Workload Backlog*
- *Uniform Bail and Penalty Schedules* (effective January 1, 2003)—www.courtinfo.ca.gov/reference/documents/2003bail.pdf
- *Report to the Legislature on the Use of Interpreters in the California Courts* (December)—www.courtinfo.ca.gov/reference/4_19interp.htm
- *Report to the Legislature Pursuant to Penal Code Section 1170.45* (May)—www.courtinfo.ca.gov/reference/documents/pc1170-2.pdf
- *2002 Judicial Council Annual Report* (March)—www.courtinfo.ca.gov/reference/2_annual.htm

Other Reports and Studies

- “The Basics of Child Support for Incarcerated Parents”—www.courtinfo.ca.gov/selfhelp/family/support/documents/incarceratedguide.pdf
- *Caregivers and the Courts: Improving Court Decisions Affecting Children in Foster Care* (January)—www.courtinfo.ca.gov/programs/cfcc/pdffiles/Caregivers&CourtsFull.pdf
- *Peer Assessment and Compliance Review (PACR) Aggregate Report* (July)—www.courtinfo.ca.gov/programs/cfcc/pdffiles/CASA-PACR02.pdf
- *Research Update: Domestic Violence in Court-Based Child Custody Mediation Cases in California* (November)—www.courtinfo.ca.gov/programs/cfcc/pdffiles/resupDV99.pdf
- *2002 Court Statistics Report*—www.courtinfo.ca.gov/reference/documents/crs2002.pdf

The downturn that has affected the national economy over the past three years has had a dramatic and negative impact on state budgets all across the country, with a majority of states experiencing operating deficits in the current fiscal year. In nearly every state, executive branch and local government agencies face budget constraints, with state court systems being no exception. California, the sixth largest economy in the world, faces a ballooning deficit that is now estimated to be greater than the sum of all of the other states' deficits.

The current situation stems from a variety of factors, led first and most notably by the significant decline in the stock market, which has resulted in a sharp decline of those state revenues generated by stock options and capital gains taxes. Since the Cal-

ifornia State Budget relies heavily on revenues generated from those sources to provide funding for state programs and services, any appreciable decline in these revenues has a direct impact on the ability of the state to continue to provide these programs and services. In California, most state and local government agencies began to feel these effects when the first budget reductions were announced toward the end of fiscal year 2001–2002; the trial and appellate courts and the administrative office of the judicial branch have not been immune to these adverse conditions.

IMPACT ON COURTS

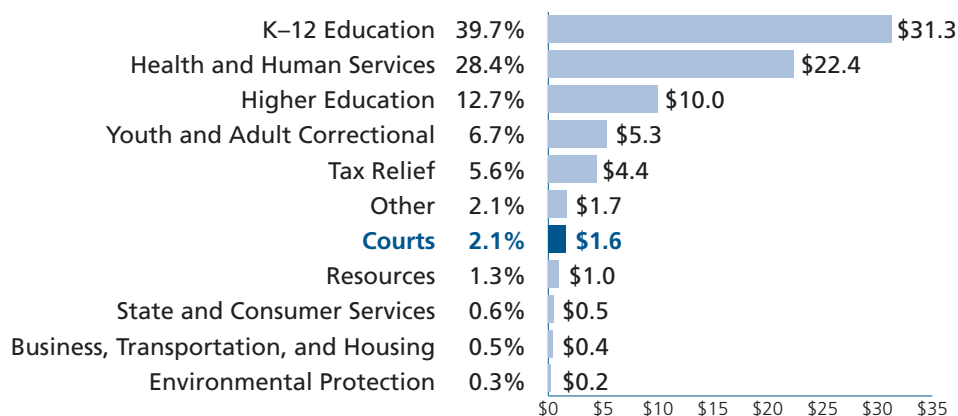
The judicial branch took a proactive role in confronting the state's fiscal challenges by working closely with the Governor's Office and the Depart-

How Does Spending for Courts Compare With Other Budget Categories?

General Fund Expenditures

Fiscal Year 2002–2003 (in billions of dollars)

The total court system budget represents only 2.1 percent of the state's total General Fund expenditures.



ment of Finance and taking decisive action, which included, among other things, the voluntary deferral of numerous spending proposals totaling \$213 million in early 2001. While significant budget reductions totaling \$37.5 million

expenses; reductions in office supplies, subscriptions, and consulting services; and deferrals of equipment purchases and contracts. To the greatest extent possible, every effort has been made to mitigate the impact of budget reductions on the courts' ability to maintain the current level of service.

The Judicial Council established budget management guidelines for the appellate courts and the AOC, designed to reduce costs. These measures include a hiring freeze, a reduction in the number of annual committee meetings, and travel restrictions. In addition, the AOC is reviewing various projects and training programs for possible deferral, cancellation, or reduction so that funds may be diverted to lessen the impact on the operating budgets of the trial courts.

"As we consider how to reduce our budget—and we shall reduce the courts' budgets—we must fulfill the public's trust to protect the values of our American justice system, which make our system of government so unique. In making appropriate, responsible decisions, the Judicial Council and all decision-makers must guard against the temptation to make swift, across-the-board decisions that may have unintended consequences of loss far greater than this financial crisis."

**—Chief Justice Ronald M. George,
Judicial Council Business Meeting,
December 13, 2002**

were imposed on the judicial branch in fiscal year 2001–2002, they were one-time in nature.

In fiscal year 2002–2003, the branch absorbed further reductions of \$154.9 million—6 percent of its total budget. In January, the Governor proposed an additional \$44.5 million in midyear spending reductions. If enacted, total fiscal year 2002–2003 budget reductions for the judicial branch would amount to a staggering \$199 million—reducing the total budget of \$2.6 billion by nearly 8 percent.

The court system has worked diligently to minimize the impact of budget cuts on public services. In an attempt to brace for the impact of budget reductions, trial courts have begun implementing a variety of cost-reduction measures. These include hiring freezes; voluntary furloughs; reductions in training, travel, and overtime

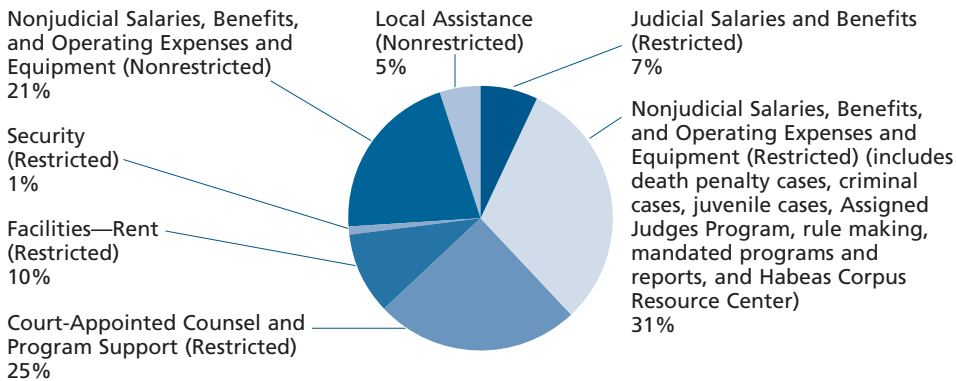
How Has Judicial Branch Funding Changed Since Last Year?

*Fiscal Years 2001–2002 and 2002–2003 (in millions of dollars)
From All Sources*

	2001– 2002	2002– 2003	Percent Change
Supreme Court	\$ 35.7	\$ 36.3	1.7%
Courts of Appeal	162.3	166.8	2.8%
Judicial Council	138.8	140.5	1.2%
Habeas Corpus			
Resource Center	10.2	10.2	0.0%
Commission on			
Judicial Performance	4.0	4.1	2.5%
Total—State Operations	\$ 351.0	\$ 357.9	2.0%
Trial Court Trust Fund	\$ 2,052.7	\$ 2,028.6	–1.2%
Trial Court			
Improvement Fund	134.4	136.7	1.7%
Modernization Fund	44.1	43.9	–0.5%
Total—Trial Courts	\$ 2,231.2	\$ 2,209.2	–1.0%
Judiciary Total	\$ 2,582.2	\$ 2,567.1	–0.6%
State Budget	\$96,199.8	\$94,664.6	–1.6%

What Does the General Fund Contribute to the Judiciary Budget?

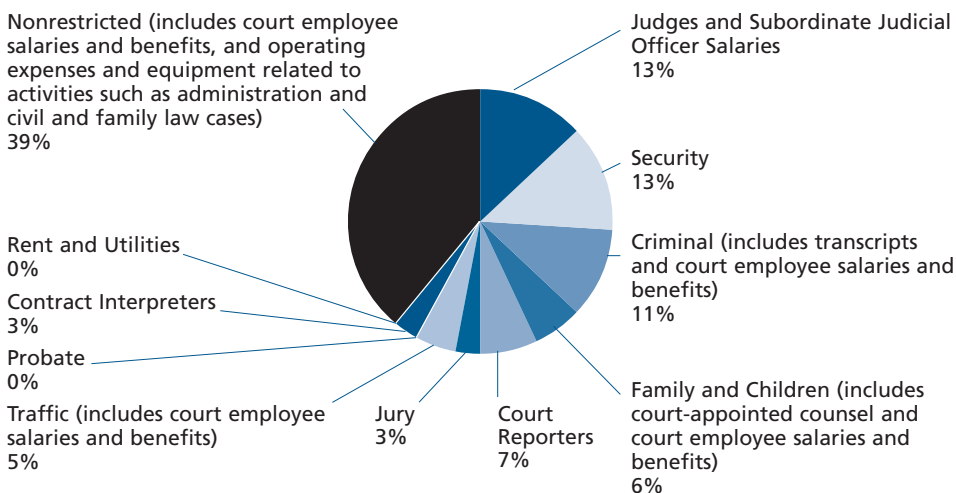
Fund 0250 includes the Supreme Court, the Courts of Appeal, the Judicial Council, and the Habeas Corpus Resource Center.



What Does the General Fund Contribute to the Trial Courts' Budget?

Nonrestricted (39%) versus Restricted (61%)

Fund 0450 includes funding for the trial courts alone.



Fiscal Accountability

The prudent management of the courts' resources is one of the Judicial Council's highest priorities. Historically, trial courts relied on the counties for funding as well as for administrative services and support. Since the state assumed responsibility for trial court funding, many counties began significantly increasing the cost of county-provided administrative support or withdrawing their services completely from the courts. In response to trial court needs and to satisfy the intent of Assembly Bill 233 (Lockyer-Isenberg Trial Court Funding Act), the Judicial Council and the AOC began to develop and implement varied statewide fiscal accountability initiatives to more effectively manage the finite public resources supporting the judicial branch. Some of these initiatives include:

- Trial Court Financial Policies and Procedures Manual
- Internal Audit Program
- Court Accounting and Reporting System
- Trial Court Accounting Processing Center

TRIAL COURT FINANCIAL POLICIES AND PROCEDURES MANUAL

Because many courts lacked the appropriate infrastructure and staff resources to manage their own administrative functions, the AOC has worked in close collaboration with the trial courts to develop basic financial policies and procedures. Implemented in every trial court

throughout the state, the *Trial Court Financial Policies and Procedures Manual* became effective in August 2001 and will be progressively revised on an annual basis.

INTERNAL AUDIT PROGRAM

An internal audit program was established in 2001 to assist the courts in highlighting best practices and in more effectively managing their resources. Initial services were limited to agreed-upon

"This is an extraordinary time in California, as in other states, and the fiscal planning process that lies before us will be very difficult for the Governor, the Legislature, and the Judicial Branch and its justice system partners. Owing to the magnitude of the problem and the complexity of developing a solution, we expect that hundreds, if not thousands, of solutions will be offered in 2003."

—William C. Vickrey, Administrative Director of the Courts

procedural reviews (AUPRs), which are focused reviews of specific functional or program areas in the courts. During 2001 and 2002, AUPRs were conducted in 28 trial courts and covered county charges to trial courts as well as revenue and cash collection activities. This was followed by the first full-scale audit reviews in 2002. Current services now include the coordination of existing external audits by external contractors, the auditing of revenue collections, and internal auditing reviews in areas of high risk and exposure in the trial courts.

COURT ACCOUNTING AND REPORTING SYSTEM

Working in close cooperation with the trial courts over the past two years, the AOC developed and recently began implementing a new financial system known as CARS (Court Accounting and Reporting System). Although in its early stages of implementation, CARS will ultimately provide a uniform accounting system to all trial courts and help to remedy the existing lack of adequate infrastructure. The system will also produce the courts' quarterly financial statements and various other financial reports. In December 2002, the AOC began the implementation of CARS with a pilot in the Superior Court of Stanislaus County. The rollout is now scheduled to continue in all trial courts over the next five years (based on availability of resources).

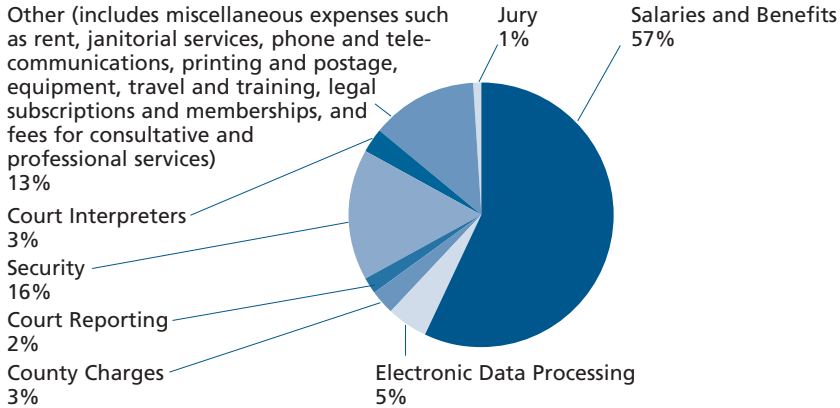
TRIAL COURT ACCOUNTING PROCESSING CENTER

Launched in conjunction with and designed to support the back-end processing requirements for CARS, the Trial Court Accounting Processing Center (APC) was recently established in the AOC's Northern/Central Regional Office in Sacramento. The mission of the APC includes providing the trial courts with professional accounting processing support, including invoice payment processing, contract management services, and maintenance of trial court financial information.

Diligent management of the courts' limited resources has never been more critical. Until the economic situation stabilizes, the judicial branch will continue

How Is the Trial Court Budget Spent?

Fiscal Year 2001–2002



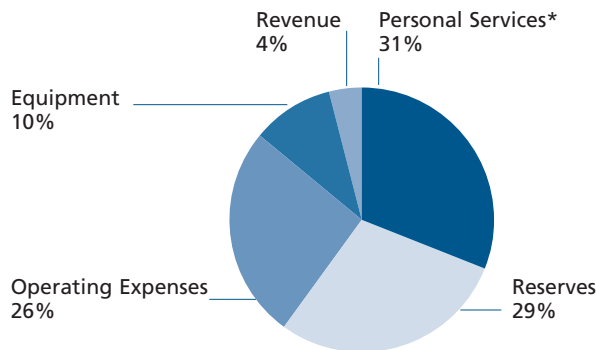
to work with all of its stakeholders and partners in justice to resolve the challenges resulting from the budget crisis and its potential impact on the California court system. At the same time, the judicial branch will fulfill its constitutional duty to provide equal access to a fair system of justice for all Californians.

MORE BUDGET INFORMATION

For more information about the current judicial branch budget, the entire California State Budget, as well as State Budgets for previous years, visit the Web site of the state Department of Finance at www.dof.ca.gov/html/bud_docs/bud_link.htm.

How Are Trial Courts Absorbing Budget Reductions?

Percent Reductions in Fiscal Year 2001–2002



Courts are reducing costs in a variety of ways, including reducing hours of operation; instituting hiring freezes; reducing temporary help and staff overtime costs; offering voluntary furloughs; closing court facilities; reducing major equipment purchases and deferring other equipment needs; privatizing janitorial services; reducing security (cost reduction for sheriff/bailiff services and security over-

time); reducing staff training, travel, office supply expenses, and professional/IT consulting services; and delaying or canceling the purchase of nonessential goods and services.

**Personal Services include budgeted amounts for salaries by position, temporary help, overtime, required salary savings, and associated benefits.*

TRENDS IN COURT WORKLOAD

In 2001–2002, total California court system filings stood at slightly over 8.1 million and dispositions at 7.7 million.¹

In recent years trial court filings have continued to hold in the range of 8 million annually. Court workload increases are not apparent in this data, however. The factors affecting filing and workload changes are complex, vary by case type and from court to court, and are influenced by population, demographics, the economy, and state and federal laws. In addition, the courts' own initiatives to provide a higher quality of public services play a large role. Moreover, in developing a statewide picture of trial court filings, the filings in the Superior Court of Los Angeles County can influence trend analysis

significantly since filings there account for about a third of the state total.

CHANGING CASELOAD COMPOSITION

Between 1980–1981 and 2001–2002, the courts' caseload mix has changed. In fiscal year 1980–1981, general civil² cases contributed 15.1 percent to the total caseload,³ but only 13.1 percent by 2001–2002. Criminal cases rose from 9.8 percent of the statewide total in 1980–1981 to 12 percent in 2001–2002. Traffic (excluding parking) contributed 69.6 percent to the statewide total in 1980–1981, declining to 66.8 percent by 2001–2002. Case types related to family and juvenile matters—family law, civil petitions, probate, mental health, delinquency, and dependency—

¹The *Court Statistics Report*, the Judicial Council's complete annual report on California court filing and disposition data, will be released in spring 2003. The report includes statewide and county-by-county breakdowns for these categories.

²Includes all civil complaints and small claims as well as the small number of habeas corpus cases and appeals from lower courts. California divides civil complaints into unlimited (value of \$25,000 and more) and limited (value of less than \$25,000). Within civil complaints the causes of action include personal injury, construction defect, defamation, and wrongful death. Small claims are claims under \$5,000.

³Includes traffic but not parking.



Court workload is more complex than can be seen in filings data alone. Many cases are not easy to resolve. For example, 57 percent of all contested child custody cases involve serious collateral issues, such as substance abuse and violence within the family.

together increased dramatically from 5.4 percent of the total statewide caseload in 1980–1981 to 8.2 percent by 2001–2002.

While total filings of all case types have declined 4.5 percent over this period, high-workload case types (such as felonies and family matters) have increased. The chart on page 26 illustrates the relationship between filings and workload.

IMPROVED PUBLIC SERVICE AFFECTS WORKLOAD

The improvements courts have made to public service illustrate how workload changes are not apparent in the filings data. The growing number of collaborative justice courts—248 were operating in California courts during 2002—corresponds to increases in high-workload case types and provides an excellent example of improved public service. Collaborative justice courts work in conjunction with treatment and social services agencies to address the multifaceted

DRUG COURTS WORK

California drug courts, a groundbreaking alternative to traditional courts, are an effective way to improve lives and reduce drug use and criminal offenses, according to a state-wide study by the Department of Alcohol and Drug Programs and the AOC released in 2002. For those participants who successfully completed the drug court program, arrest rates decreased 85 percent during the two years after admission, compared to the two years prior to entry. First established in California in 1993, drug courts involve other community agencies and were launched as a meaningful alternative to incarceration in jail and prison for substance-abusing offenders.

problems of cases involving family violence, mental illness, and drugs.

COURTS AID SELF-REPRESENTED LITIGANTS

Expanding public access to the courts also increases court workload as can be seen in the services courts now offer self-represented litigants. A study for the Judicial Council of child support cases indicates that in just five years (fiscal years 1995–1996 to 1999–2000), the percentage of cases in which both parents are self-represented when the district attorney brings a child support action has grown from 79 to 96 percent.

Collaborative Justice Courts, 2002

	No. of Courts	No. of Counties
Adult Drug Court	90	47
Community Court	2	2
Domestic Violence Court	30	26
Family Treatment Court	7	6
Homeless Court	6	6
Juvenile Drug Court	32	30
Dependency Drug Court	24	22
Mental Health Court	13	15
Reentry Drug Court	4	4
Youth/Peer Court	34	29
Other	6	5

The coordination effort required for collaborative justice courts to be effective, especially in the initial period of development, increases workload over the traditional court model. Partly, this is due to the complexities of these case types and partly to changes in case processing. For example, these courts may be responsible for coordination with agencies such as batterer intervention programs, substance abuse treatment, shelter services, mental health services, and probation services. Changes in case processing include review hearings, team coordination, and coordination with service providers between court sessions. Some of these workload increases appear to be offset over time by factors such as reduced recidivism, increased efficiencies, and fewer contested matters.

This growth in self-representation is not limited to family law. The number of self-represented litigants in general civil cases also has increased during this period. In Alameda County, for example, the number has jumped by 26 percent.

For judicial officers, self-represented litigants increase workload in several ways. Continuances increase because of incomplete documents, missing documents, failure to provide information to the court in a timely way, failure to arrange for needed witnesses, additional legal research needed because relevant law is not cited or presented properly to the court, and the need to spend additional court time explaining court procedures.

In addition, court staff must respond to questions normally addressed to an attorney and must review filed forms more carefully to be sure all needed items are complete. Moreover, the courts have initiated a variety of programs—kiosks, family law facilitators, special publications, and online self-help centers—to guide these litigants.

ASSIGNED JUDGES ASSIST WITH WORKLOAD

Pursuant to article VI, section 6 of the California Constitution, the Chief Justice has the authority to assign sitting and retired judges to the courts to provide needed assistance arising from vacancies, illnesses, and disqualification of judges, and to relieve calendar congestion. The Assigned Judges Program serves an important role in enabling the judiciary to perform its work effectively and expeditiously. In fiscal year 2001–2002, assigned judges provided more than 33,237 days of assignment assistance to the trial and appellate courts—the equivalent of approximately 133 full-time judges. (See the “Year in Review” for more information about the Assigned Judges Program.)

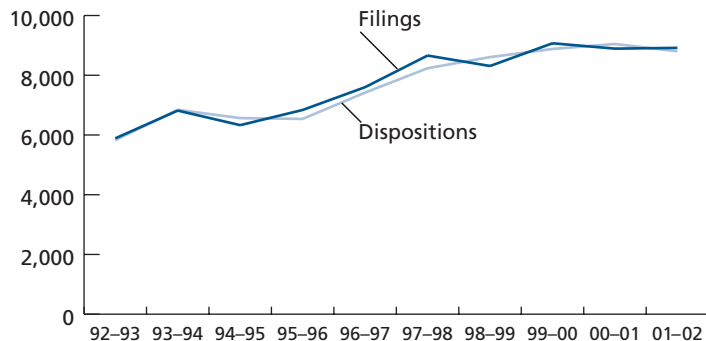
IMPACT OF DEMOGRAPHIC CHANGES

Two demographic changes that appear to be significantly influencing filing and workload trends are immigration and the aging of Californians.

According to the Public Policy Institute of California, one in four Californians is an immigrant. California has a higher share of immigrants than the United States as a whole (26 percent versus 11 percent). Many new residents need the assistance of interpreters when they go to court, which affects the length of court proceedings and, consequently, the workload of judges and their courtroom-based staff. A recent study conducted for the Judicial Council reports that from 1994–1995 to 1998–1999, the number of service days for interpreters of all languages increased by over 21 percent, an increase of over 29,000 service days in five years.

The aging of the population is also a factor affecting workload. Between 1990 and 2000, the number of Californians 50 and older grew to 8.1 million and is projected to increase to 11.6 million by 2010. This older population is likely to impact filings for several case types, such as traffic, civil, and criminal. For example, studies, including those of the Department of Motor Vehicles, show that older drivers partially account for the 80 percent drop in the rate of arrests for both DUI and hit-and-run cases and may account for some of the decline in automobile-related personal injury cases. The number of accidents per 100 drivers decreases steadily after age 20 through age 70. However, the data also shows that the number of

Total Supreme Court Filings and Dispositions 1992–1993 to 2001–2002



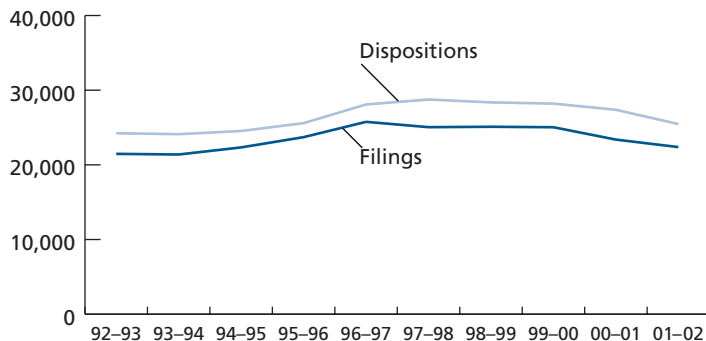
In fiscal year 2001–2002, Supreme Court filings increased slightly from 8,891 filings to 8,917, while dispositions declined 2.7 percent from 9,047 to 8,802. The court filed opinions in a total of 101 cases, compared with 103 the previous year. Petitions for review from original criminal proceedings decreased from 3,647 to 3,074. However, original habeas petitions rose from 2,545 to 2,775 over this same period.

at-fault fatal/injury collisions dramatically jumps between the ages of 75 and 85.

IMPACT OF STATUTORY CHANGES

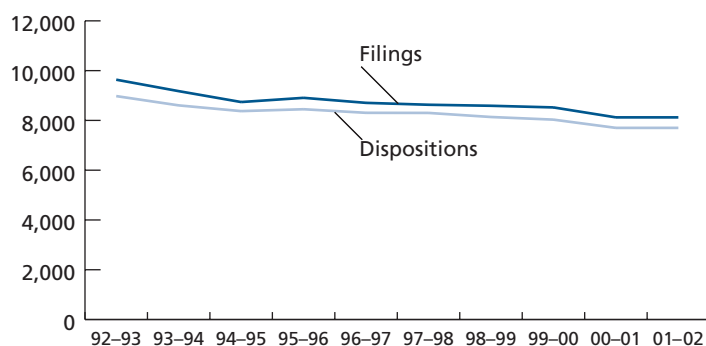
Between 1990 and 2000, more than 1,000 new laws increased court workload by creating new or expanded crimes and violations and by mandating changes in court proceedings and processes. In addition, some federal laws expanded the courts' reporting requirements. Even if the number of filings stays the same, the amount of work a court must do is increased by statutory changes that, for example, require additional judicial findings or create rebuttable presumptions and new parties, witnesses, or hearing participants, as well as procedures that extend courtroom time.

Total Courts of Appeal Filings and Dispositions 1992–1993 to 2001–2002



Filings and dispositions held steady following a period of significant increase early in the last decade. In 2001–2002, filings totaled 22,379, a slight decline from 23,382 the year before, and dispositions declined to 25,465 from 27,376. There were 12,629 dispositions by written opinion.

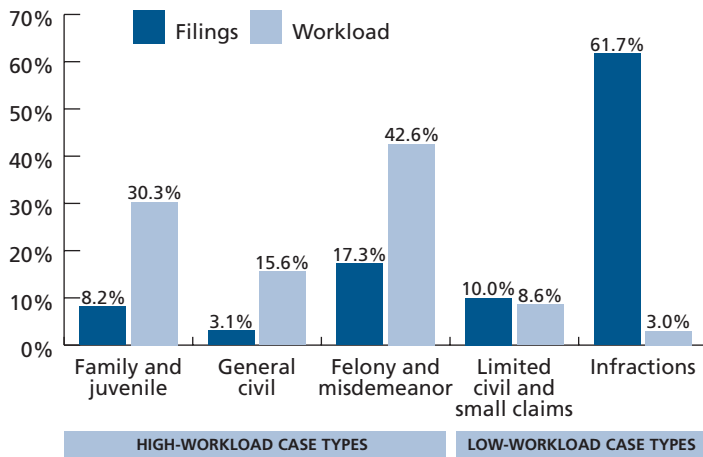
Total Trial Court Filings and Dispositions 1992–1993 to 2001–2002 (In millions)



Trial court filings and dispositions held steady at 8.1 million and 7.7 million, respectively. Of the total reported filings, the majority involved cases where litigants typically appear in court without attorneys, a key workload issue for the courts. For example, over 5.4 million filings were related to traffic misdemeanors and infractions, 315,331 to small claims cases, and 291,547 to family law and juvenile dependency and delinquency cases.

Translating Trial Court Filings Into Workload

Fiscal Year 2001–2002
(As a percentage of total)



For an accurate understanding of court workload, filings must be considered together with an analysis of case types. For example, although family and juvenile cases represent 8.2 percent of total filings, they account for nearly one-third of a court's judicial workload based on the Judicial Council's adopted workload standards (see www.courtinfo.ca.gov/reference/documents/stateassess.pdf). Conversely, infraction filings make up almost two-thirds of total court filings but represent only 3 percent of the courts' overall workload.

Trial Court Filings by Case Type

Fiscal Year 2001–2002

	No. of Filings	Percentage of Total
Motor Vehicle	52,693	0.6%
Other Personal Injury/Property Damage/Wrongful Death	29,094	0.4%
Other Civil Complaints	143,712	1.8%
Appeals	16,437	0.2%
Habeas Corpus	9,877	0.1%
General Civil	251,813	3.1%
Limited Civil	494,984	6.1%
Small Claims	315,331	3.9%
Limited Civil	810,315	10.0%
Family Law	160,854	2.0%
Juvenile Delinquency	91,947	1.1%
Juvenile Dependency	38,746	0.5%
Mental Health	10,595	0.1%
Probate	50,786	0.6%
Civil Petitions	308,683	3.8%
Family and Juvenile	661,611	8.2%
Felonies	242,390	3.0%
Nontraffic Misdemeanors	501,245	6.2%
Traffic Misdemeanors	652,301	8.0%
Felonies and Misdemeanors	1,395,936	17.2%
Nontraffic Infractions	226,015	2.8%
Traffic Infractions	4,766,839	58.8%
Infractions	4,992,854	61.5%
Statewide Total	8,112,529	

The California court system, with more than 2,000 judicial officers, 21,000 court employees, and more than 8 million cases in over 450 court locations, and a 2001–2002 budget of \$2.58 billion, serves over 34 million people—12.5 percent of the total U.S. population.

CALIFORNIA JUDICIAL BRANCH

THE COURTS

California Supreme Court

- Hears oral arguments in San Francisco, Los Angeles, and Sacramento;
- Discretionary authority to review decisions of the Courts of Appeal; direct responsibility for automatic appeals after death penalty judgment (www.courtinfo.ca.gov/courts/supreme/about.htm).

Courts of Appeal

- Six districts, 19 divisions, 9 court locations;
- Reviews the majority of appealable orders or judgments from superior court (www.courtinfo.ca.gov/courts/courtsofappeal/about.htm).

Superior Courts

- 58 courts, one in each county with from 1 to 55 branches;
- State and local laws define crimes and specify punishments, and define civil duties and liabilities (www.courtinfo.ca.gov/courts/trial/about.htm).

BRANCH AND ADMINISTRATION POLICY

Judicial Council of California

Administrative Office of the Courts

The Judicial Council is the constitutionally created 27-member policymaking body of the California courts; its staff agency is the Administrative Office of the Courts (www.courtinfo.ca.gov/courtadmin/jc/).

BRANCH AGENCIES

Commission on Judicial Appointments

Confirms gubernatorial appointments to the Supreme Court and appellate courts (www.courtinfo.ca.gov/courtadmin/other/agencies.htm).

Commission on Judicial Performance

Responsible for the censure, removal, retirement, or private admonishment of judges and commissioners. Decisions subject to review by California Supreme Court (www.cjp.ca.gov/).

Habeas Corpus Resource Center

Handles state and federal habeas corpus proceedings; provides training, support for private attorneys who take these cases (www.courtinfo.ca.gov/jobs/jobshcrc.htm).

RELATED ORGANIZATION

State Bar of California

Serves the Supreme Court in administrative and disciplinary matters related to attorneys (www.calbar.ca.gov).

Mission of the Judicial Council

Under the leadership of the Chief Justice and in accordance with the California Constitution, the law, and the mission of the judiciary, the Judicial Council shall be responsible for setting the direction and providing the leadership for improving the quality and advancing the consistent, independent, impartial, and accessible administration of justice.

Judicial Council Goals

Goal I

Access, Fairness, and Diversity

All Californians will have equal access to the courts and equal ability to participate in court proceedings, and will be treated in a fair and just manner. Members of the judicial branch community will reflect the rich diversity of the state's residents.

Goal II

Independence and Accountability

The judiciary will be an institutionally independent, separate branch of government that responsibly seeks, uses, and accounts for public resources necessary for its support. The independence of judicial decision making will be protected.

Goal III

Modernization of Management and Administration

Justice will be administered in a timely, efficient, and effective manner that utilizes contemporary management practices; innovative ideas; highly competent judges, other judicial officers, and staff; and adequate facilities.

Goal IV

Quality of Justice and Service to the Public

Judicial branch services will be responsive to the needs of the public and will enhance the public's understanding and use of and its confidence in the judiciary.

Goal V

Education

The effectiveness of judges, court personnel, and other judicial branch staff will be enhanced through high-quality continuing education and professional development.

Goal VI

Technology

Technology will enhance the quality of justice by improving the ability of the judicial branch to collect, process, analyze, and share information and by increasing the public's access to information about the judicial branch.

ADVISORY COMMITTEES

Access and Fairness Advisory Committee
Administrative Presiding Justices Advisory Committee
Appellate Advisory Committee
Civil and Small Claims Advisory Committee
Collaborative Justice Courts Advisory Committee
Court Executives Advisory Committee
Court Interpreters Advisory Panel
Court Technology Advisory Committee
Criminal Law Advisory Committee
Family and Juvenile Law Advisory Committee
Governing Committee of the Center for Judicial Education and Research (CJER)
Judicial Branch Budget Advisory Committee
Judicial Service Advisory Committee
Probate and Mental Health Advisory Committee
Traffic Advisory Committee
Trial Court Presiding Judges Advisory Committee

TASK FORCES

Appellate Indigent Defense Oversight Advisory Committee
Legal Services Trust Fund Commission
Probation Services Task Force
Reporting of the Record Task Force
Task Force on Judicial Ethics Issues
Task Force on Jury Instructions
Civil Subcommittee
Criminal Subcommittee
Task Force on Self-Represented Litigants

ADMINISTRATIVE OFFICE OF THE COURTS

William C. Vickrey
Administrative Director of the Courts
Ronald G. Overholt
Chief Deputy Administrative Director
Michael Bergeisen, *General Counsel and Deputy Administrative Director*
Office of the General Counsel
Christine Hansen, *Chief Financial Officer and Director*
Finance Division
Diane Nunn, *Director*
Center for Families, Children & the Courts
Karen Thorson, *Director*
Education Division
Pat Sweeten, *Director*
Executive Office Programs Division
Susan Hough, *Director*
Human Resources Division
Pat Yerian, *Director*
Information Services Division
Ray LeBov, *Director*
Office of Governmental Affairs

Regional Directors

Sheila Gonzalez
Regional Administrative Director,
Southern Region
Christine Patton
Regional Administrative Director,
Bay Area/Northern Coastal Region
Michael M. Roddy
Regional Administrative Director,
Northern/Central Region

JUDICIAL COUNCIL OF CALIFORNIA
455 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102-3688
WWW.COURTINFO.CA.GOV